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ALSTON & BIRD LLP

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Raleigh, NC 27604-1062

919-862-2200
Fax: 919-862-2260

FAX RECEIVED**SEP 23 2003****TELECOPY****PLEASE DELIVER AS SOON AS POSSIBLE****PETITIONS OFFICE****DATE:** September 23, 2003**TO:** Alicia Brown, USPTO
Office of Petitions, Central Files**FROM:** Eric J. Kron**In re:** Maiorella *et al.***Appl. No.:** 09/867,948**Filed:** May 30, 2001**For:** METHOD OF INCREASING PRODUCT EXPRESSION
THROUGH SOLUTE STRESS**Confirmation No.:** 9747**Group Art Unit:** 1653**Examiner:** Samuel W. Liu

Confirming our telephone conversation earlier today, we are attaching for entry into the above-referenced file a new communication along with copies of the Amendment and Extension of Time previously faxed to Tech Center 1600 on July 25, 2003. Your assistance is sincerely appreciated.
Eric J. Kron

NO. OF PAGES:
(Including cover page)

17

OPERATOR:**IF NOT RECEIVED PROPERLY, PLEASE NOTIFY ME IMMEDIATELY AT 919-862-2221****USER CODE:** KRONE**FAX NUMBER:** 703-308-6916**CLIENT/MATTER:** 035784/258145**REQUESTED BY:** Nora Martinez**VOICE NUMBER:** 703-308-8282

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SEP 23 2003

PETITIONS OFFICE

COPY**TELECOPY**

PLEASE DELIVER AS SOON AS POSSIBLE

DATE: July 25, 2003

TO: TC 1600In re: Kappes *et al.*

Appl. No.: 10/272,147

Filed: 10/15/02

For: FUSION PROTEIN DELIVERY SYSTEM AND USES THEREOF

Confirmation No.: 9931

Group Art Unit: 1646

Examiner: To be Assigned

In re: Maiorella *et al.*

Appl. No.: 09/867,948

Filed: May 30, 2001

For: METHOD OF INCREASING PRODUCT EXPRESSION THROUGH SOLUTE STRESS

Confirmation No.: 9747

Group Art Unit: 1653

Examiner: Samuel W. Liu

NO. OF PAGES: 12
(Including cover page)

OPERATOR: Vam 2116941

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USER CODE: LAKE
CLIENT/MATTER: 035784/258145

FAX NUMBER: 703-872-9306

REQUESTED BY: Pam Lockley

VOICE NUMBER:

JUL 25 03 (FRI) 14:53

P. 001

TRANSACTION REPORT

Transmission

Transaction(s) completed

FAXED

| NO. | TX DATE/TIME | DESTINATION | DURATION | PGS. | RESULT | MODE |
|-----|--------------|---------------------|------------|------|--------|-------|
| 360 | JUL 25 14:49 | ##21169#17038729306 | 0' 03' 32" | 012 | OK | N ECM |

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Raleigh, NC 27604-1062

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Fax: 919-862-2260

COPY**TELECOPY****PLEASE DELIVER AS SOON AS POSSIBLE****DATE:** July 25, 2003**TO:** TC 1600**In re:** Kappes *et al.***Appl. No.:** 10/272,147**Filed:** 10/15/02**For:** FUSION PROTEIN DELIVERY SYSTEM AND USES THEREOF**Confirmation No.:** 9931**Group Art Unit:** 1646**Examiner:** To be Assigned**In re:** Maiorella *et al.***Appl. No.:** 09/867,948**Filed:** May 30, 2001**For:** METHOD OF INCREASING PRODUCT EXPRESSION THROUGH SOLUTE STRESS**Confirmation No.:** 9747**Group Art Unit:** 1653**Examiner:** Samuel W. Liu

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 09/867/948 Confirmation No.: 9747
Applicant(s): Maiorella et al.
Filed: May 30, 2001
Art Unit: 1653
Examiner: Samuel W. Liu
Title: METHOD OF INCREASING PRODUCT EXPRESSION THROUGH
SOLUTE STRESS

Docket No.: PP00693,104(035784/258145)
Customer No.: 00826

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Attn: Alicia Brown, Petitions, Central Files

FAX RECEIVED
SEP 23 2003
PETITIONS OFFICE

COMMUNICATION REGARDING
AMENDMENT AND ONE-MONTH EXTENSION OF TIME
FILED VIA FACSIMILE ON JULY 25, 2003

Madam:

This communication and accompanying documents are being transmitted to you pursuant to our telephone conversation this morning, wherein you advised that you had physical possession of this file and would place this transmission into the Official Record for the above-referenced application, the status of which is detailed below:

1. An Official Action was issued by the Examiner on March 25, 2003. A response was due without extension on June 25, 2003. The final extendable due date for this response is September 25, 2003.

2. On July 25, 2003, a response in the form of an Amendment and One Month Extension of Time was filed via facsimile to Tech Center 1600 at 703-872-9306. Copies of this transmittal are attached.

Appl. No.: 09/867/948

Filed: May 30, 2001

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3. The fax cover sheet contained a typographical error in that two cases were referenced--the correct Application No. 09/867,948, and a totally unrelated Application No. 10/272,147.

4. Although the accompanying faxed documents referenced the correct Application No. 09/867,948, Examiner Liu has not yet received the faxed amendment, and a search of the PAIR system does not indicate that the amendment has been entered into the file for either this Application or the unrelated application.

5. Since the final due date is September 25, 2003, in order to ensure timely entry of the previously faxed amendment and to prevent abandonment of the above-referenced application, we are again transmitting copies of the following for entry into the record of Application No. 09/867,948:

- a. Fax cover sheet to TC 1600 dated July 25, 2003;
- b. Fax cover sheet marked "Faxed" confirming transmission and receipt of 12 pages at fax No. 703-872-9306 on July 25, 2003;
- c. Petition and Fee for One Month Extension of Time with authorization to charge to our Deposit Account. No. 16-0605, which was faxed July 25, 2003; and
- d. Amendment Transmittal/Fee Calculation Sheets (2 pages) along with Amendment (8 pages) faxed July 25, 2003.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of

Appl. No.: 09/867/948

Filed: May 30, 2001

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this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



Eric J. Kron

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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the US Patent and Trademark Office at Fax No. 703-308-6916 on the date shown below.



Nora C. Martinez

Date

9/23/03